

TOWN OF MANSFIELD
Ethics Board
Thursday, January 7, 2010
Audrey Beck Municipal Building, Conference Room B
6:10pm

Minutes

Members Present: Lena Barry, Nancy Cox (Chair), David Ferrero, Mike Sikoski, Win Smith, Nora Stevens

Staff Present: Maria Capriola, Assistant to Town Manager, Mary Stanton, Town Clerk

I. PUBLIC COMMENT

Ric Hossack, Middle Turnpike Road. Spoke to his objections to member appointments to the Board.

II. COMMUNICATIONS

By consensus the Board moved the agenda item labeled "communications" to #2 on the agenda.

Ms. Stanton was asked to comment on the Committee on Committees minutes of December 21, 2009. Ms. Stanton was asked by the Committee's Chair, Toni Moran to invite members of the Ethics Board to the Committee's meeting on January 19, 2009 at 7pm in Conference Room C. The Committee will review and discuss the Board's memo to the Committee: re recommendations for vetting Ethics Board members and role of staff.

III. EXECUTIVE SESSION

- a. pending claims and litigation – (FOI Complaint Docket #FIC 2009-627)
- b. pending claims and litigation – (FOI Complaint Docket #FIC 2009-690)

Ms. Stevens made a motion, seconded by Mr. Ferrero to move the agenda item labeled "executive session..." to #3 on the agenda. The motion passed with no objections. Ms. Stevens made a motion, seconded by Mr. Smith to enter into executive session. The motion passed with no objections. All Board members in attendance were present during the session, as were Ms. Capriola and Ms. Stanton. The Board entered executive session at 6:33pm. The Board re-entered public session at 6:40pm (approximately).

IV. FAQ Brochure

Ms. Stevens made a motion, seconded by Mr. Smith to table "FAQ Brochure" to a future agenda. The motion passed with no objections.

V. DISCUSSION OF JOINT MEETING HELD BETWEEN THE ETHICS BOARD AND PERSONNEL COMMITTEE

Ms. Barry and Mr. Ferrero left the meeting at 6:42pm due to scheduling conflicts. Members voting on matters under agenda items #5-7 were Cox, Sikoski, Smith, and Stevens.

Additional recommendations to be made to Personnel Committee:

- 25-3G – Mr. Smith made a motion, seconded by Ms. Stevens to add, “(Official does not mean) a member of an advisory board if, but only if, the advisory board has no authority to implement its recommendations or to act on behalf of the Town or to restrict the authority of the Town to act.” Cox, Smith, Stevens voted in favor, Sikoski opposed. Motion passes.
- 25-3F- Mr. Sikoski made a motion, seconded by Mr. Smith to delete “personal” from the definition in 25-3F but not throughout the document. The motion passed with no objections. However, discussion later occurred as to the intent of the meaning behind “throughout the document.” Mr. Sikoski had intended for “throughout the document” to mean that personal sense should be left in other sections of the code. Other members had thought it meant that the motion was specific to 25-3F only and that “personal sense” in other sections of the code would be addressed separately.
- 25-3C – Ms. Cox made a motion, seconded by Mr. Smith for 25-3C to read, “Use of his or her position/office by an official or employee in a manner in which he or she knows may result in a financial benefit not shared with a substantial segment of the Town’s population for any of the following.” Smith and Cox voted in favor, Sikoski and Stevens opposed. Motion failed.

Ms. Stevens offered an alternative to the original motion. Ms. Stevens made a motion seconded by Ms. Cox for 25-3C to read, “An official or employee’s use of his/her position may not result in a financial benefit not shared with a substantial segment of the Town’s population for any of the following.” Cox, Smith, and Stevens voted in favor with Sikoski opposed. Motion passes.

- 25-3E – Mr. Smith made a motion, seconded by Mr. Sikoski for 25-3E to read, “Any parent, brother, sister, child, spouse or co-habiting partner of an individual. The parent, brother, sister or child of said spouse or co-habiting partner. Also, the spouse or co-habiting partner of any such child or any dependent relative who resides in said individual’s household.” The motion passed with no objections.
- 25-3H – By consensus, the Board decided it would defer further discussion of the definition for outside employer or business to the Personnel Committee.
- 25-4A – By consensus, the Board decided to revise the last sentence of 25-4A to read, “This applies not only to objects such as cars and trucks, but also to travel and other expense reimbursement requests.”
- 25-4B(3) – Mr. Smith made a motion, seconded by Mr. Sikoski to delete the last sentence in 25-4B3. All voted in favor with no objections. Motion passes.
- 25-4C(6) - By consensus, the Board decided it would defer further discussion of annual disclosure to the Personnel Committee.
- 25-4C(6)(b)i – By consensus the Board decided to change the first sentence to read, “An official or employee must refrain from acting on or discussing a matter before the Town, if acting on the matter, or failing to act on the matter represents a conflict of interest.”
- 25-9A – By consensus the Board decided to change 25-9A to read, “In order that all public officials and employees are aware of what constitutes ethical conduct in the operations of the government of the Town of Mansfield, appropriate officials shall make available a copy of this Code of Ethics to each official and employee.

- Ms. Stevens made a motion, seconded by Mr. Smith that the, “Proposed revisions as amended be sent to the Personnel Committee and to note in the forwarding copy that the Board chose not to address outside employer under definitions and annual disclosure statement by candidates for public office.” All voted in favor with no objections. Motion passes.

VI. APPROVAL OF MINUTES FROM 12/3/09 MEETING

Ms. Stevens made a motion seconded by Mr. Sikoski to adopt the minutes of December 3, 2009. The motion passed with no objections.

VII. ADJOURNMENT

Ms. Stevens made a motion seconded by Mr. Smith to adjourn the meeting. Motion passed with no objections. The meeting adjourned at 7:13pm.

Respectfully Submitted,
Maria E. Capriola, Assistant to Town Manager